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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

ENOCH ADAMS, JR., LEROY ADAMS,)
ANDREW KOENIG, JERRY NORTON,)
DAVID SWAN, JOSEPH SWAN,)
Plaintiffs,)
)
vs.)
)
TECK COMINCO ALASKA)
INCORPORATED,)
Defendant,)
)
NANA REGIONAL CORPORATION, and)
NORTHWEST ARCTIC BOROUGH,)
Intervenor-Defendants.) Case No.: A04-00049 CV (JWS)
)

**(PROPOSED) ORDER DISMISSING CLAIMS
AND
ESTABLISHING LIABILITY**

In accordance with the concessions made by the plaintiffs in their trial
brief, the following claims are hereby dismissed:

Third Claim for Relief: All WET Reporting claims
Fourth Claim for Relief: All claims
Fifth Claim for Relief: All claims

Sixth Claim for Relief: All claims not previously dismissed
Ninth Claim for Relief: All claims not previously dismissed
Tenth Claim for Relief: All claims not previously dismissed

In accordance with Teck Cominco's concession that it will no longer defend the following claims as to liability at trial, without prejudice to Teck Cominco's right of appeal, liability is established as to the following alleged violations, which shall be tried as to remedy only:

1. One hundred sixty one daily violations of TDS end of pipe limitations encompassing the following dates: May 25-29, 2004, May 30-31, 2004, August 29-Sept. 4, 2004, May 25-28, 2005, May 29-June 4, 2005, June 5-6 2005, June 19-25, 2005, June 26-July 2, 2005, July 3-9, 2005, July 17-23, 2005, July 24-30, 2005, July 31-August 6, 2005, August 7-13, 2005, August 14-20, 2005, August 21- 27, 2005, August 28-September 3, 2005, September 18-24, 2005, September 25-October 1, 2005, October 2-6, 2005, May 9-13, 2006, May 14-16, 2006, September 3-9, 2006, September 10-16, 2006, October 1-2, 2006, June 10-16, 2007, June 17-23, 2007, and June 24-30, 2007.
2. Thirty four cyanide daily violations encompassing the following dates: May 25, 2000, May 29, 2000, June 10, 2000, June 13, 2000, June 24, 2000, June 14, 2001, June 18, 2001, July 22, 2001, July 30, 2001, August 13, 2001, August 16, 2001, August 20, 2001, August 27, 2001, June 10, 2002, September 30, 2002, May 10, 2003, May 13, 2003, June 17, 2003, June 24, 2003, July 1, 2003, July 15, 2003, July 21, 2003, July 29, 2003, August 12, 2003, May 23, 2005, August 9, 2005, September 5, 2005, September 12, 2005, September 19, 2005, October 3, 2005, May 11, 2006, May 15, 2006, June 5, 2006, and October 1, 2006.
3. Eleven WET daily violations identified in the Complaint as follows: May 1999 (1), June 1999 (1), July 1999 (1), August 2000 (1), August 16, 2001, August 18, 2001, August 20, 2001, August 2002 (1), September 4, 2002, September 24, 2002, and August 3, 2004.

DATED: _____

JOHN W. SEDWICK
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of April, 2008,
a true and correct copy of the foregoing was served,
via electronic service, on the below identified parties of
record:

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